

HON. JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHU CHEN,

Plaintiff

v.

LINCOLN NATIONAL LIFE
INSURANCE COMPANY,

Defendant.

No. 2:20-cv-01766-JLR

STIPULATED MOTION FOR LEAVE TO
FILE "ADMINISTRATIVE RECORD"
UNDER SEAL AND ~~[PROPOSED]~~ ORDER

NOTED FOR HEARING: April 29, 2021

I. Relief Requested

The parties respectfully move the Court, pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(g), to order that the "Administrative Record" in this matter – the defendant insurance company's claim file – be filed under seal, without redactions.

II. Relevant Facts and Legal Authority

This action arises under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 *et seq.* The parties agree the Court will need to consider Defendant's claim file to resolve the matter. Such files have come to be called the "Administrative Record" in ERISA

STIPULATED MOTION TO FILE "ADMINISTRATIVE
RECORD" UNDER SEAL AND [PROPOSED] ORDER - 1

No. 2:20-cv-01766-JLR

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1 benefit cases. Here, that 2,225-page file is primarily medical records and other documents
2 addressing Plaintiff's medical conditions.

3 Although Local Civil Rule 5(g) establishes a strong presumption in favor of public access
4 to court filings, the need to protect medical privacy qualifies as a "compelling reason" to allow
5 records to be filed under seal. *Karpenski v. Am. Gen. Life Companies, LLC*, No. 2:12-CV-
6 01569-RSM, 2013 WL 5588312 at *1 (W.D. Wash. Oct. 9, 2013) (citing *Kamakana v. City and*
7 *County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)). See also *Macon v. United Parcel*
8 *Serv., Inc.*, 2013 WL 951013, at *5 (W.D. Wash. Mar. 12, 2013) (granting unopposed motion to
9 seal medical records given the "private nature of the documents at issue"); *Gary v. Unum Life*
10 *Ins. Co. of Am.*, No. 3:17-CV-01414-HZ, 2018 WL 1811470, at *3 (D. Or. Apr. 17, 2018)
11 (granting an opposed motion to seal an ERISA claim file, citing numerous cases and stating
12 "[t]he parties have not presented, and the Court is not aware of, any cases where medical
13 information was not allowed to be filed under seal under the 'compelling reasons' standard.").

14 Local Civil Rule 5.2(c) states that "in an action for benefits under the Social Security
15 Act" the "administrative record must be filed under seal" because those "actions are entitled to
16 special treatment due to the prevalence of sensitive information and the volume of filings." *Id.*
17 That reasoning applies to this action for ERISA disability benefits. Sensitive information
18 concerning the Plaintiff is found throughout the claim file.

19 As certified below, the parties discussed whether redaction would be a suitable
20 alternative. Due to the volume of the record, and the extensive redaction that would be
21 necessary, the parties believe redaction is not a reasonable alternative. Federal Rule of Civil
22 Procedure 5(d) provides that the "court may order that a filing be made under seal without
23 redaction" and the parties respectfully move the Court to so order here.

24 STIPULATED MOTION TO FILE "ADMINISTRATIVE
25 RECORD" UNDER SEAL AND [PROPOSED] ORDER - 2

26 No. 2:20-cv-01766-JLR

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1 **III. Local Rule 5.2(g)(3)(A) Certification**

2 The parties certify pursuant to Local Rule 5.2(g)(3)(A) that attorney Mel Crawford
3 representing Plaintiff and attorney Russel Buhite representing Defendant conferred by telephone
4 on April 26, 2021, to discuss filing the record under seal and to explore redaction and other
5 alternatives to filing under seal. They agreed redaction was not a reasonable means to protect
6 Plaintiff's medical privacy, because the documents would need to be so heavily redacted.
7

8 **IV. Conclusion**

9 The parties respectfully move the Court to order that the "Administrative Record" in this
10 matter be filed under seal.

11 IT IS SO STIPULATED THIS 29th day of April 2020.

12
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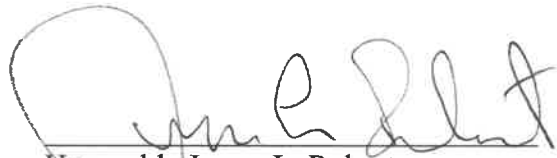
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STIPULATED MOTION TO FILE "ADMINISTRATIVE
RECORD" UNDER SEAL AND [PROPOSED] ORDER - 3

ORDER

IT IS SO ORDERED. The Court GRANTS the parties' stipulated motion and ORDERS that the administrative record in this action be filed and maintained under seal. Pursuant to Federal Rule of Civil Procedure 5(d), the record need not be redacted.

DATED this 2nd day of May 2021.



Honorable James L. Robart
United State District Judge

STIPULATED MOTION TO FILE "ADMINISTRATIVE
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No. 2:20-cv-01766-JLR

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